

OFFICE OF THE SHERIFF



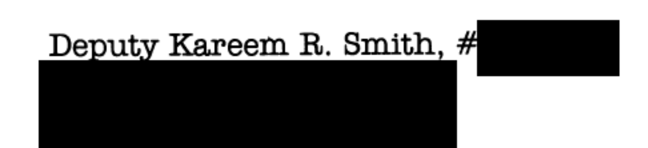
COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

April 28, 2017

Deputy Kareem R. Smith, #[redacted]


[redacted]

Dear Deputy Smith:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business May 19, 2017.

An investigation under IAB File Number IV2369711, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 03-01/030.15, Conduct Toward Others; and/or 3.01/030.10, Obedience to Laws, Regulations and Orders, specifically pertaining to California Penal Code Section 4575(a) Possession of a Wireless Communication Device in a Jail Facility, Custody Division Manual Sections 03-01/090.00, Security of Personal Property, and 3-01/090.05, Wireless Communication Devices, from on or about October 2007 to November 4, 2014, you, while on duty, brought discredit and embarrassment to yourself and the Department when you brought a cell phone into Twin Towers Correctional Facility and/or Men's Central Jail (MCJ), used the device, and/or video-recorded Department members and inmates without their knowledge or consent, as evidenced by, but not limited to:

a. bringing a cell phone into the secured area of Twin Towers Correctional Facility on approximately 25 occasions; and/or

b. bringing a cell phone into the secured area of Men's Central Jail on approximately 10 to 50 occasions; and/or,

c. video-recording Department members and/or inmates at Twin Towers Correctional Facility on approximately 30 to 50 occasions; and/or,

d. video-recording Department members and/or inmates at Men's Central Jail on approximately 20 occasions; and/or,

e. having five video recordings recovered from your cell phone depicting Department members and/or inmates at Men's Central Jail; and/or,

f. being named as a suspect in a criminal report under Department file number 914-01404-5100-399, for violating California Penal Code Section 4575(a), Possession of a Wireless Communication Device in a Jail Facility; and/or,

g. having six misdemeanor counts of California Penal Code Section 4575(a) filed against you by the Los Angeles City Attorney's Office on April 17, 2015, under criminal complaint number 5CA09462; and/or,

h. pleading nolo contendere to one count of California Penal Code Section 4575(a) on May 4, 2016, in Los Angeles County Superior Court under case number 5CA09462, and being convicted of a misdemeanor upon entering such plea.

2. That in violation of the Manual of Policy and Procedures Sections 03-01/040.70, False Statements; and/or 03-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 03-01/030.10, Obedience to Laws, Regulations, and Orders, specifically pertaining to lying to a supervisor; on or about November 4, 2014, you made false statements to

supervisors and/or obstructed supervisors during their inquiries, as evidenced by, but not limited to:

a. stating to Sergeant John Rueff, during a supervisory inquiry, a discovered cell phone did not belong to you and advising Sergeant Rueff it belonged to another deputy; and/or,

b. denying to Lieutenant Michael Thomas, during a supervisory inquiry, that you video-recorded from your cell phone prior to the phone being discovered by deputies in Men's Central Jail Module booth 9100/9200.

3. That in violation of the Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to lying during a criminal investigation regarding a material matter; and/or 3-01/040.70, False Statements; and/or 3.01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 03-01/040.85, Cooperation during Criminal Investigation, on or about November 4, 2014, you false statements to criminal investigators, as evidenced by, but not limited to:

a. denying you ever mistakenly brought a cell phone into Men's Central Jail when asked by an investigator from Internal Criminal Investigations Bureau; and/or,

b. stating, "No" when asked by an investigator from Internal Criminal Investigations Bureau whether you ever took photographs with your cell phone inside security; and/or,

c. stating, "No" when asked by a criminal investigator if you ever pointed your cell phone at inmates and took video and/or still photographs; and/or,

d. denying you previously brought a cell phone into Men's Central Jail when asked by an investigator from Internal Criminal Investigations Bureau.

4. That in violation of the Manual of Policy and

Procedures Sections 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/030.05, General Behavior; and/or, and/or Section 3-01/030.15, Conduct Toward Others, from October 14, 2014, to on or about November 4, 2014, you, while on duty, brought discredit and embarrassment to yourself and the Department when you intentionally and inappropriately video-recorded Department members during the performance of their duties without their knowledge and/or consent, as evidenced by, but not limited to:

a. stating, "I recorded them because they were cute, sir" when asked by an investigator from Internal Criminal Investigations Bureau why you video-recorded two female Department members.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Joanne Sharp, on May 18, 2017, at 1030 hours, in her office, which is located at 450 Bauchet Street, [redacted], Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to May 18, 2017, for your oral response, please call Chief Sharp's secretary at [redacted], for an appointment.

If you choose to respond in writing, please call Chief Sharp's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Sharp's office no later than May 19, 2017.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JSW:JS:jr

cc: Advocacy Unit
Employee Relations Unit
Joanne Sharp, Chief, Custody Services Division - General Population
Internal Affairs Bureau
(File #IV2369711)

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DISPOSITION SHEET

DATE: April 25, 2017
File No.: IV2369711

FROM: JOANNE SHARP, CHIEF
CUSTODY SERVICES DIVISION
GENERAL POPULATION

TO: JOSIE S. WOOLUM, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **KAREEM R. SMITH, #[redacted]**
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION
GENERAL POPULATION

Upon consideration of the facts developed in this investigation, I have determined that Subject Kareem Smith be discharged from his position as a Deputy Sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

JOANNE SHARP, CHIEF — Date: 4-25-17

CASE REVIEWED BY PANEL MEMBERS

KELLY L. HARRINGTON, ASSISTANT SHERIFF — Date: 4/25/17

EARL M. SHIELDS, CHIEF — Date: 04/25/17

BOBBY D. DENHAM, ASSISTANT SHERIFF — Date: 4/25/17

JIM McDONNELL, SHERIFF — Date: 04-25-17

KAREEM R. SMITH #[redacted]
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION – GENERAL POPULATION

The evidence in this investigation supports the following charges:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 03-01/030.15, Conduct Toward Others; and/or 3.01/030.10, Obedience to Laws, Regulations and Orders, specifically pertaining to California Penal Code Section 4575(a) Possession of a Wireless Communication Device in a Jail Facility, Custody Division Manual Sections 03-01/090.00, Security of Personal Property, and 3-01/090.05, Wireless Communication Devices, from on or about October 2007 to November 4, 2014, Subject Kareem Smith, while on duty, brought discredit and embarrassment to himself and the Department when he brought a cell phone into Twin Towers Correctional Facility and/or Men's Central Jail (MCJ), used the device, and/or video-recorded Department members and inmates without their knowledge or consent, as evidenced by, but not limited to:

   a. bringing a cell phone into the secured area of Twin Towers Correctional Facility on approximately 25 occasions; and/or,

   b. bringing a cell phone into the secured area of Men's Central Jail on approximately 10 to 50 occasions; and/or,

   c. video-recording Department members and/or inmates at Twin Towers Correctional Facility on approximately 30 to 50 occasions; and/or,

   d. video-recording Department members and/or inmates at Men's Central Jail on approximately 20 occasions; and/or,

   e. having five video recordings recovered from his cell phone depicting Department members and/or inmates at Men's Central Jail; and/or,

   f. being named as a suspect in a criminal report under Department file number 914-01404-5100-399, for violating California Penal Code Section 4575(a), Possession of a Wireless Communication Device in a Jail Facility; and/or,

   g. having six misdemeanor counts of California Penal Code Section 4575(a) filed against him by the Los Angeles City Attorney's Office on April 17, 2015, under criminal complaint number 5CA09462; and/or,

h. pleading nolo contendere to one count of California Penal Code Section 4575(a) on May 4, 2016, in Los Angeles County Superior Court under case number 5CA09462, and being convicted of a misdemeanor upon entering such plea.

2. That in violation of Manual of Policy and Procedures Sections 03-01/040.70, False Statements; and/or 03-01/040.76, Obstructing an Investigation/Influencing a Witness; and/or 03-01/030.10, Obedience to Laws, Regulations, and Orders, specifically pertaining to lying to a supervisor; on or about November 4, 2014, Subject Smith made false statements to supervisors and/or obstructed supervisors during their inquiries, as evidenced by, but not limited to:

    a. stating to Sergeant John Rueff, during a supervisory inquiry, a discovered cell phone did not belong to him and advising Sergeant Rueff it belonged to another deputy; and/or,

    b. denying to Lieutenant Michael Thomas, during a supervisory inquiry, that he video-recorded from his cell phone prior to the phone being discovered by deputies in Men's Central Jail Module booth 9100/9200.

3. That in violation of Manual of Policy and Procedures Sections 3-01/030.10, Obedience to Laws, Regulations and Orders, as it pertains to lying during a criminal investigation regarding a material matter; and/or 3-01/040.70, False Statements; and/or 3.01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations; and/or 03-01/040.85, Cooperation during Criminal Investigation, on or about November 4, 2014, Subject Smith provided false statements to criminal investigators, as evidenced by, but not limited to:

    a. denying he ever mistakenly brought a cell phone into Men's Central Jail when asked by an investigator from Internal Criminal Investigations Bureau; and/or,

    b. stating, "No" when asked by an investigator from Internal Criminal Investigations Bureau whether he ever took photographs with his cell phone inside security; and/or,

c. stating, "No" when asked by a criminal investigator if he ever pointed his cell phone at inmates and took video and/or still photographs; and/or,

d. denying he previously brought a cell phone into Men's Central Jail when asked by an investigator from Internal Criminal Investigations Bureau.

4. That in violation of Manual of Policy and Procedures Sections 3-01/000.13, Professional Conduct – Core Values; and/or 3-01/030.05, General Behavior; and/or, and/or Section 3-01/030.15, Conduct Toward Others, from October 14, 2014, to on or about November 4, 2014, Subject Smith, while on duty, brought discredit and embarrassment to himself and the Department when he intentionally and inappropriately video-recorded Department members during the performance of their duties without their knowledge and/or consent, as evidenced by, but not limited to:

   a. stating, "I recorded them because they were cute, sir" when asked by an investigator from Internal Criminal Investigations Bureau why he video-recorded two female Department members.

Summary

On Tuesday, November 4, 2014, at approximately 0330 hours, a Security Check Team consisting of four deputies and a custody assistant (Witness Deputy Damien Guerrero, Witness Deputy Oluwasanmi Ogunjumo, Witness Deputy Brenda Garcia, Witness Custody Assistant Julie Ruiz, and Witness Deputy Ricardo Martinez) conducted a security walk of all the dorms on the 9000 Floor.

As the Security Check team walked in the hallway between the 9100 Dorm and the 9300 Dorm, the team saw what appeared to be a black cell phone standing up in the 9100/ 9200 control booth window. The camera lens of the phone faced outward toward the Security Check team. Witness Ogunjumo walked up to an open window of the 9100/ 9200 control booth and asked Subject if the cell phone was his. Subject Smith walked toward Witness Ogunjumo and said, "No." Subject Smith quickly grabbed the cell phone and the Security Check team continued with their check.

Following the discovery of the cell phone, the Security Check team completed count and their security check in the 9100 and 9300 Dorms. Witness Garcia felt uncomfortable with the fact there was a cell phone inside the secured portion of the

facility and she did not know who it belonged to or what it was doing there. She told her partners she was going to retrieve the cell phone. Witness Garcia walked to the 9100/ 9200 control booth, while the rest of the Security Check team walked back to the 9000 control booth.

When Witness Garcia arrived at the booth, she walked in and told Subject Smith, "Hey, let me have that phone." Subject Smith gave Witness Garcia the cell phone without any hesitation. Upon taking possession of it, Witness Garcia felt it was lighter in weight than a normal cell phone. Witness Garcia asked Subject Smith if he took the battery out of the phone and Subject Smith told her, "No." Witness Garcia told Subject Smith she knew it had been on, but Subject Smith disagreed with her. At that point, Witness Garcia knew something was not right. Prior to Witness Garcia leaving the 9100/ 9200 control booth, Subject Smith told her he was going to send out an email message to all the personnel assigned to Men's Central Jail, asking if anybody lost anything.

Witness Garcia left the 9100/ 9200 control booth with the cell phone (without its battery) and went back to the 9000 control booth where the rest of her partners were. While Witness Garcia was in the 9000 control booth, she received a phone call from Subject Smith. Subject Smith told her the phone belonged to Deputy Clinton Kelly, who left it charging and did not know it was recording.

Witness Garcia contacted Witness Sergeant John Rueff over her Sheriff's Department radio. Witness Rueff responded to the 9000 control booth and met with Witness Garcia. During their meeting, Witness Garcia explained to Witness Rueff the details of what had taken place up until their meeting.

While explaining the details to Witness Rueff, Witness Garcia explained how Subject Smith told her the cell phone belonged to Witness Kelly. Witness Rueff asked Witness Garcia to contact Witness Kelly, ask him if he (Kelly) was up on the 9000 floor that night, and if he left his phone in the 9100/ 9200 control booth. Witness Garcia contacted Witness Kelly over the telephone. During their conversation, Witness Kelly told Witness Garcia he had gone up to the 9000 floor that night, but did not leave anything up there. When asked by Witness Garcia if he specifically left a cell phone charging on the 9000 floor, Witness Kelly said, "No, I didn't leave a cell phone charging."

Meanwhile, Witness Rueff walked over to the 9100/9200 control booth and spoke with Subject Smith. Witness Rueff showed Subject Smith the cell phone and asked him if

the cell phone belonged to him. Subject Smith told Witness Rueff, "No." Witness Rueff then asked Subject Smith who the cell phone belonged to and Subject Smith told him it belonged to another deputy whom he would rather not name.

Following his conversation with Subject Smith, Witness Rueff met with Witness Garcia, who reported the outcome of her telephone conversation with Witness Kelly. Witness Rueff went to the 7000 Floor, where he had a conversation with Witness Kelly. Witness Rueff asked him if he left a cell phone on the 9000 Floor. Witness Kelly denied leaving a cell phone, told Witness Rueff his cell phone was in his locker, and offered to take Witness Rueff there to confirm its location. At that point, Witness Rueff believed the cell phone did not belong to Witness Kelly, took the phone to the Watch Commander's office, and gave it to Witness Lieutenant Michael Thomas.

Witness Rueff briefed Witness Thomas regarding his knowledge of the events up to that point. Witness Thomas instructed Witness Rueff to leave the cell phone with him and he would take care of it. Prior to Witness Thomas receiving the cell phone from Witness Rueff, Witness Thomas received a phone call from Subject Smith. During the conversation, Subject Smith apologized to Witness Thomas for bringing a cell phone into the facility and indicated he knew it was against policy.

During their phone conversation, Subject Smith told Witness Thomas he accidentally brought the cell phone into the secured area of the jail. Since he already had the phone and could not take it to his locker, he decided to charge it. While charging the phone, he had to set it up in a certain manner since the phone had a "short." If the phone "shorts" while it is charging, the screen turns on. While the phone was charging, deputies discovered the phone. When a deputy took the phone from him, he panicked and told her it was somebody else's phone. Confused by Subject's Smith explanation of events, Witness Thomas asked Subject Smith to come to the Watch Commander's office to make sense of what Subject Smith told him and why Deputy Garcia had his phone.

During the resultant conversation with Subject Smith, Witness Thomas determined a crime had possibly been committed and Subject Smith lied to him. Witness Thomas called Captain Joseph Dempsey and advised him of what had taken place. Captain Dempsey responded to Men's Central Jail and decided Internal Criminal Investigations Bureau (ICIB) would investigate the incident.

During the course of the ICIB investigation, video and photographic evidence recovered from Subject's Smith cell phone revealed Subject Smith provided false statements to Witness Thomas and Witness Rueff during their supervisory inquiries. He also made false statements to ICIB investigators during their initial interview with him. Based on the evidence obtained from Subject Smith's cell phone, ICIB investigators discovered Subject Smith had in fact brought his cell phone into MCJ prior to November 4, 2017. This evidence directly contradicted statements he made during ICIB interview on November 4, 2014.

ICIB investigators filed their case with the Justice System Integrity Division of the Los Angeles County District Attorney's office. The District Attorney's office declined to file the charges through their office, but instead, referred the case to the Los Angeles City Attorney's office for filing consideration.

On March 16, 2015, the Los Angeles City Attorney's office reviewed the facts of the case and determined it would be accepted for their filing review. On April 17, 2015, the Los Angeles City Attorney's Office filed six counts of violating Penal Code Section 4575(a), Possession of a Wireless Communication Device in a Jail Facility, under case number 5CA09462.

On May 4, 2016, Subject Smith pled nolo contendere to count one of the filed complaint, a violation of Penal Code Section 4575(a). The remaining five counts of the filed complaint were dismissed in furtherance of justice. Subject Smith was convicted of a misdemeanor and sentenced to a period of twenty four months of summary probation, twenty days of community labor, restitution fees, and an order to obey all laws and orders of the court.

On May 4, 2016, the ICIB criminal case was closed and an administrative investigation was initiated. The administrative investigation was handled by Internal Affairs Bureau (IAB) investigators.

During the IAB interview, Subject Smith admitted he had provided false statements during the supervisory inquiry and to ICIB investigators. He also admitted he brought his cell phone into the facility and videotaped/recorded Department personnel.

DISCIPLINE ASSESSMENT

Review of Applicable "Guidelines for Discipline" Sections

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

General Behavior	W/R to Discharge
Conduct Toward Others	W/R to 10 days
Obedience to Laws, Regulations and Orders	W/R to Discharge
Obstructing an Investigation/Influencing a Witness	25 days to Discharge
Obedience to Laws, Regulations and Orders (Lying during a criminal investigation regarding a material matter)	Discharge
Cooperation during a Criminal Investigation	25 days to Discharge
False Statements (Supervisor)	10 days to Discharge
Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations	25 Days to Discharge
Professional Conduct – Core Values	W/R to Discharge

Assessment of Mitigating and Aggravating Factors

Severity of Infractions

The alleged policy violations, based on all statements and evidence provided, appeared to have occurred. We expect all Department members to follow Department policies and state laws. In addition, Department members are expected to carry themselves on and off duty in a manner that does not lend itself to embarrassment. Subject Smith

repeatedly entered jail facilities with a cell phone and video recorded Department personnel and inmates without their knowledge or consent.

When his conduct was eventually discovered, he attempted to dissociate himself by removing the battery from the cell phone to seemingly prevent anyone from accessing the phone or identifying its owner, sent a unit wide e-mail via the computer in furtherance of his assertion the phone did not belong to him, and implicated a fellow deputy in potential wrongdoing. He then lied to supervisors as they conducted their inquiries into this matter and provided false statements to ICIB investigators when they conducted their initial criminal investigation. Integrity and honesty are the Core Values upon which our authority as a law enforcement agency is based. Every member of our organization must abide by and uphold those sacred values.

Degree of Culpability

Subject Smith was solely responsible for his actions.

Intent, Truthfulness, and Acceptance of Responsibility

Subject Smith initially attempted to dissociate himself from the discovered cell phone by claiming the phone belonged to another deputy. Moreover, he either lied and/or tried to mitigate his wrongdoing to inquiring supervisors and criminal investigators. He was not forthcoming with information during aspects of the criminal investigation. It was only when criminal investigators advised him of the evidence recovered from his cell phone that he finally admitted to bringing his cell phone into custody facilities and recording Department members and inmates. During his administrative interview, he demonstrated a reluctance to accept responsibility for his previous false statements, but he eventually admitted he was untruthful.

Past Performance and Disciplinary History

Subject Smith has been employed with the Sheriff's Department since May 21, 2007, approximately 10 years.

Subject Smith's [redacted]

Subject Smith has [redacted].

KAREEM R. SMITH #[redacted] **IV2369711**
DEPUTY SHERIFF
MEN'S CENTRAL JAIL
CUSTODY SERVICES DIVISION – GENERAL POPULATION

Disposition

Based upon the foregoing assessment of mitigating and aggravating factors, the following is the level of discipline to be assessed, subject to revision upon receiving Subject Smith's response or grievance:

X	**Discharge**
	Reduction in Rank
	Suspension with loss of pay for __ days
	Written Reprimand
	No discipline recommended

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
04/06/2017	1	Custody Operations Division- Men's Central Jail	IV 2369711

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
Obedience to Laws, Regulations and Orders- 3-01/030.10 Manual of Policy And Procedures
General Behavior- 3-01/030.05 Manual of Policy And Procedures

DATE, TIME, DAY OF OCCURRENCE: November 4, 2014, 0330 hrs., Tuesday
RELATED URN FILE No. IF APPLICABLE: 914-01404-5100-399

LOCATION OF OCCURRENCE: 441 Bauchet Street, Los Angeles, CA. 90012

SOURCE OF COMPLAINT: ☐ COMMUNITY ☑ SUPERVISION W/C REPORT No. ______ ☐ OTHER SOURCES (SPECIFY) ______

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 1	Smith	Kareem	R.	Deputy	[redacted]

UNIT OF ASSIGNMENT: Men's Central Jail | DATE ASSIGNED: 08/01/2010 | DIVISION OR REGION: Custody Operations Division

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☑ RELIEVED OF DUTY - REASSIGNED TO: Home ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	B	BLK	BRN	510	209	[redacted]	43

DATE OF HIRE: 05/21/2007 | DATE APPOINTED TO RANK: [redacted] | INTERVIEW TAPE RECORDED ON TAPE JOB # OF 53041 | SIDE ☐ A ☐ B | DATE 03/21/17 | TIME 1017 hrs.

PREVIOUS FOUNDED INVESTIGATIONS

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. OF					

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ | SIDE ☐ A ☐ B | DATE ______ | TIME ______

PREVIOUS FOUNDED INVESTIGATIONS

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, **W** - WITNESS
ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 1 OF 8	Guerrero	Damien		Male	H	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Deputy | RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Men's Central Jail/ 441 Bauchet St., Los Angeles, CA. 90012 | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) (213) 974-4921
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 52926 | SIDE ☐ A ☐ B | DATE 03/10/2017 | TIME 0956 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 2 OF 8	Ogunjumo	Oluwasanmi	O.	Male	B	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Deputy | RES. PHONE (AREA CODE) ( ) N/A
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: 21695 East Valley Blvd., Walnut, CA. 91789 | CDL OR LASD EMPLOYEE NO. [redacted] | BUS. PHONE (AREA CODE) [redacted]
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 52880 | SIDE ☐ A ☐ B | DATE 03/07/2017 | TIME 0911 hrs.

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
[redacted]	Sergeant	[redacted]	Granado for (signature)	4/7/17
ASSISTING INVESTIGATOR	**RANK**	**EMP. No.**	**DATE SUBMITTED**	
Michael Maxwell	Sergeant	[redacted]	04/10/17	

SH-AD-669-3/15

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
COMPLAINANT / WITNESS CONTINUATION PAGE

I.A.B. FILE No. IV 2369711 — PAGE 2 OF 2

CODE: C - COMPLAINANT, **W** - WITNESS

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 3 OF 8	Garcia	Brenda		Female	H	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Deputy — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Men's Central Jail/ 441 Bauchet St., Los Angeles, CA. 90012 — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (213) 974-4921
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 52838 SIDE ☐ A ☐ B DATE 03/02/2017 TIME 0832 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 4 OF 8	Ruiz	Julie		Female	H	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Custody Assistant — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Inmate Reception Center/ 450 Bauchet St., Los Angeles, CA. — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (323) 473-6053
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 52855 SIDE ☐ A ☐ B DATE 03/03/2017 TIME 0832 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 5 OF 8	Martinez	Ricardo		Male	H	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Deputy — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Men's Central Jail/ 441 Bauchet St., Los Angeles, CA. 90012 — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (213) 974-4921
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 52949 SIDE ☐ A ☐ B DATE 03/14/2017 TIME 0445 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 6 OF 8	Kelly	Clinton	S.	Male	B	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Deputy — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Men's Central Jail/ 441 Bauchet St., Los Angeles, CA. 90012 — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (213) 974-4921
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 52951 SIDE ☐ A ☐ B DATE 03/14/2017 TIME 0515 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 7 OF 8	Rueff	John	P.	Male	W	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Sergeant — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Inmate Reception Center, 450 Bauchet St., Los Angeles, CA. — CDL OR LASD EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (213) 893-5279
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 53105 SIDE ☐ A ☐ B DATE 03/28/2017 TIME 2050 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W No. 8 OF 8	Thomas	Michael	O.	Male	W	Adult

RESIDENCE ADDRESS: Los Angeles County Sheriff's Lieutenant — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Century Station, 11703 S. Alameda Ave., Lynwood — [redacted] EMPLOYEE NO. [redacted] — BUS. PHONE (AREA CODE) (323) 568-4811
INTERVIEW TAPE RECORDED ON TAPE JOB # OF 53143 SIDE ☐ A ☐ B DATE 04/03/2017 TIME 1000 hrs.

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
No. OF						

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

CODE	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
No. OF						

RESIDENCE ADDRESS — RES. PHONE (AREA CODE) ( )
BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )
INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBER: **IV 2369711**

SUBJECT: **Kareem Smith, Deputy, #[redacted]**

UNIT: **Men's Central Jail- Custody Operations Division**

DATE: **November 4, 2014**

LOCATION: **441 Bauchet Street, Los Angeles, Ca. 90012**

ALLEGATIONS:

It is alleged Subject Smith brought his personal cellular telephone into the secured area of Men's Central Jail and used his device to video record personnel and events on the 9000 Floor. The allegations were investigated by the Internal Criminal Investigations Bureau **[EXHIBIT A].** The case was then presented to the District Attorney's Office. The District Attorney's office referred the case to the City Attorney's Office. The City Attorney's Office filed six counts of 4575(a) P.C. against Subject Smith. Subject Smith pled nolo contendere to one count of 4575(a) P.C., on May 4, 2016. The criminal case was closed and presented to the Internal Affairs Bureau for an Administrative Investigation.

SYNOPSIS:

On Tuesday, November 4, 2014, at approximately 0330 hours, Witness Damien Guerrero #[redacted], Witness Oluwasanmi Ogunjumo #[redacted], Witness Brenda Garcia #[redacted], Witness Julie Ruiz #[redacted], and Witness Ricardo Martinez #[redacted] formed a Security Check team and conducted a security walk and inmate welfare check of all the dorms on the 9000 Floor.

As the Security Check team walked in the hallway between the 9100 Dorm and the 9300 Dorm, Witness Guerrero saw what appeared to be a black cellphone standing up in the 9100/ 9200 control booth window. The camera lense of the phone faced outward toward the Security Check team **[Page 5, of Witness Guerrero's transcribed interview].** Upon closer inspection of the cellphone, Witness Guerrero saw the screen of the cellphone displayed a live image of the hallway where the Security Check team had just come from. Witness Guerrero believed the cellphone was recording them **[Page 5 and 7, of Witness Guerrero's transcribed interview].** Witness Guerrero was overcome with disbelief and was confused as to "why" there would be a cellphone recording his actions, other than the video surveillance system which was already in

place at Men's Central Jail **[Page 8, of Witness Guerrero's transcribed interview].** Witness Guerrero alerted the rest of the Security Check team to what he had seen.

After Witness Ogunjumo walked past the 9100/ 9200 control booth, he heard Witness Guerrero say something to the effect of, "Is that a cellphone?" Witness Ogunjumo looked back at the window of the control booth and saw a cellphone sitting in the window **[Page 6, of Witness Ogunjumo's transcribed interview].** Witness Ogunjumo saw the cellphone was "On" and had a live view of the hallway the security team had just walked through **[Page 4, of Witness Ogunjumo's transcribed interview].** Upon seeing this, Witness Ogunjumo believed himself, along with the rest of the Security Check team were being recorded **[Page 9, of Witness Ogunjumo's transcribed interview].** Witness Ogunjumo walked up to an open window of the 9100/ 9200 control booth and asked Subject Smith if the cellphone was his. Subject Smith walked toward Witness Ogunjumo and said, "No." Subject Smith quickly grabbed the cellphone and the Security Check team continued with their check **[Page 5, of Witness Ogunjumo's transcribed interview].** When Subject Smith grabbed the cellphone, Witness Ogunjumo did not see Subject Smith unplug or detach the cellphone from any kind of charging device **[Page 6, of Witness Ogunjumo's transcribed interview].** Subject Smith was the only person working the 9100/ 9200 control booth during this time **[Page 5, of Witness Ogunjumo's transcribed interview].**

Witness Garcia was walking ahead of her partners, when the cellphone was first seen. Witness Garcia walked past the 9100/ 9200 control booth, when she saw her partners who were behind her, pointing at something. When Witness Garcia looked back and was in the process of asking her partners what they were doing, she saw a cellphone standing up in the vertical position, in the corner of the 9100/ 9200 control booth window **[EXHIBIT A, Page 118].** Witness Garcia did not see anything on the cellphone indicating the phone was "On" **[EXHIBIT A, Page 121].** Witness Garcia looked into the control booth and saw the cellphone was resting on a ledge, with a red Bible behind it. The Bible was on its spine and was being held by a broomstick. Right next to the Bible, was a spray bottle **[EXHIBIT A, Page 124].**

Witness Garcia heard one of her partners ask Subject Smith if the cellphone was his. She heard Subject Smith say he did not know who the cellphone belonged to and the cellphone was not his **[Page 6, of Witness Garcia's transcribed interview].** Subject Smith then recovered the cellphone and walked away with the cellphone in his hand. The cellphone was not plugged in, nor did Witness Garcia see any wires hanging from it when Subject Smith walked away with it **[EXHIBIT A, Page 124].**

Witness Ruiz had just walked out of the 9200 Dorm, when she heard Witness Guerrero say something to the effect of, "What is that in the window? Is that a cellphone? It looks like a cellphone" **[EXHIBIT A, Page 180].** Witness Ruiz walked over to the 9100/ 9200 control booth and saw a cellphone standing upright in the corner of the window. The cellphone had a red folder or book behind it, along with a broomstick holding the

book **[EXHIBIT A, Page 181].** Witness Ruiz saw the cellphone had a blinking red dot at the top of the display screen, along with the word "RECORD" **[EXHIBIT A, Page 180].** The cellphone was recording the hallway she and the rest of the Security Check team had just come from **[EXHIBIT A, Page 181].**

Witness Ruiz heard Witness Ogunjumo ask Subject Smith if the cellphone was his. Subject Smith responded by saying, "It's not mine. I don't know whose it is" **[EXHIBIT A, Page 183].** Subject Smith was the only person working the 9100/ 9200 control booth during this time **[Page 5, of Witness Ruiz's transcribed interview].**

Witness Martinez had also just walked away from the 9200 Dorm and was walking toward the 9100 Dorm, when he heard Witness Guerrero say there was a cellphone in the window of the 9100/ 9200 control booth. When Witness Martinez looked to see what Witness Guerrero was talking about, he saw a cellphone in the window of the control booth and the display screen was glowing, indicating the phone was "On" **[Page 5, of Witness Martinez's transcribed interview].** Witness Martinez saw the camera was pointed in the Security Check team's direction, but he did not know if the phone was recording or not **[Page 5, of Witness Martinez's transcribed interview].**

Witness Martinez heard Witness Ogunjumo ask Subject Smith if the cellphone was his, but could not remember what Subject Smith's response was. Witness Martinez then saw Subject Smith pick up the cellphone from where it was positioned in the control booth window and walk further into the control booth. Subject Smith was the only person working the 9100/ 9200 control booth during this time **[Page 7, of Witness Martinez's transcribed interview].**

Following the discovery of the cellphone, the Security Check team consisting of Witness Guerrero, Witness Ogunjumo, Witness Garcia, Witness Ruiz, and Witness Martinez, completed count and their security check in the 9100 and 9300 Dorms. The fact there was a cellphone inside the secured portion of the facility and not knowing who the phone belonged to or what it was doing there, made Witness Garcia feel uncomfortable **[Page 4, of Witness Garcia's transcribed interview/ [EXHIBIT A, Page 125].** Witness Garcia told her partners she was going to retrieve the cellphone. Witness Garcia walked to the 9100/ 9200 control booth, while the rest of the Security Check team walked back to the 9000 control booth **[Page 4, of Witness Garcia's transcribed interview/ [EXHIBIT A, Page 126].**

When Witness Garcia arrived at the 9100/ 9200 control booth, she knocked on the door of the booth and Subject Smith opened the door. Witness Garcia walked into the booth and told Subject Smith, "Hey, let me have that phone" **[EXHIBIT A, Page 126].** Subject Smith gave Witness Garcia the cellphone, without any hesitation. Upon taking possession of the cellphone, Witness Garcia saw the cellphone had a case on it, but at the same time felt lighter in weight than a normal cellphone. Witness Garcia asked Subject Smith if he took the battery out of the phone and Subject Smith told her, "No."

Witness Garcia told Subject Smith, "Yeah, this phone doesn't have a battery and I know it was 'On'." Subject Smith told Witness Garcia, "It wasn't 'On'." **[EXHIBIT A, Page 127].** At this point in time, Witness Garcia knew something was not right. When Witness Garcia questioned Subject Smith regarding the cellphone battery, she described Subject Smith's demeanor as defensive and he denied everything **[Page 7, of Witness Garcia's transcribed interview].** Prior to Witness Garcia leaving the 9100/ 9200 control booth, Subject Smith told her he was going to send out an email message to all the personnel assigned to Men's Central Jail, asking if anybody left anything of value in the 9100/ 9200 booth to contact him (Subject Smith) **[Page 4, of Witness Garcia's transcribed interview/ [EXHIBIT A, Page 127].**

IAB Note: On November 4, 2014, at 3:37 AM, Subject Smith sent out an email to "ALL" Men's Central Jail deputies and Custody Assistants. The email is attached to this Investigative Summary as **[EXHIBIT A, Page 25].**

Witness Garcia then left the 9100/ 9200 control booth with the cellphone, but without the cellphone battery, and went back to the 9000 control booth where the rest of her partners were **[EXHIBIT A, Page 128].** While Witness Garcia was in the 9000 control booth, she received a phone call from Subject Smith. Custody Assistant Altamoreno, who was assigned to work the 9000 control booth, initially answered the phone and then handed the phone to Witness Garcia. When Witness Garcia picked up the phone, Subject Smith said, "Hey, Garcia. That phone is Kelly's." **[EXHIBIT A, Page 129].** Witness Garcia asked Subject Smith, "Did Kelly even come up here? I didn't see him (Kelly) come up here." Subject Smith told Witness Garcia, "Yeah. He (Kelly) came to visit me. He (Kelly) said he left it here charging and he didn't know it was recording." **[EXHIBIT A, Page 129].**

IAB Note: Deputy Clinton Kelly #[redacted] was assigned to Men's Central Jail and was assigned as the 7200 Control/ Prowler position on the night of this incident.

Witness Garcia contacted Witness Sergeant Rueff #[redacted] over her Sheriff's Department radio. Witness Rueff responded to the 9000 control booth and met with Witness Garcia. During their meeting, Witness Garcia explained to Witness Rueff the details of what had taken place up until their meeting. During this meeting, Witness Garcia gave Witness Rueff the cellphone **[Page 4, of Witness Rueff's transcribed interview].** Upon receiving the cellphone, Witness Rueff tried to power the phone "On," so he could see if a phone number came up, in order to attempt to identify the owner of the phone. When the phone did not power "On," Witness Rueff saw there was no battery in the phone **[EXHIBIT A, Page 163].**

While explaining the details to Witness Rueff, Witness Garcia explained how Subject Smith told her the cellphone belonged to Witness Kelly. Witness Rueff asked Witness

Garcia to try to get in contact with Witness Kelly, to ask him if he (Kelly) was up on the 9000 floor that night and if he left his phone in the 9100/ 9200 control booth. Witness Garcia contacted Witness Kelly over the telephone. During their conversation, Witness Kelly told Witness Garcia he had gone up to the 9000 floor that night, but did not leave anything up there. When asked by Witness Garcia if he specifically left a cellphone charging on the 9000 floor, Witness Kelly said, "No, I didn't leave a cellphone charging." **[EXHIBIT A, Page 130].** Witness Garcia reported the outcome of her conversation with Witness Kelly to Witness Rueff.

Witness Rueff then walked over to the 9100/9200 control booth, where he spoke with Subject Smith. During his conversation with Subject Smith, Witness Rueff was standing approximately two to four feet away from Subject Smith and Subject Smith was facing him. Witness Rueff was the only person inside the booth with Subject Smith at the time of their conversation **[Page 9, of Witness Rueff's transcribed interview].** During his conversation with Subject Smith, Witness Rueff held out his right hand with his right arm extended out slightly above his waist level and showed Subject Smith the cellphone which he had received from Witness Garcia **[Page 9, of Witness Rueff's transcribed interview/ EXHIBIT A, Page 165].** While showing Subject Smith the cellphone, Witness Rueff asked Subject Smith if the cellphone belonged to him. Subject Smith told Witness Rueff, "No." Witness Rueff then asked Subject Smith who the cellphone belonged to and Subject Smith told him, "Another deputy. I'd rather not say." **[Page 8, of Witness Rueff's transcribed interview/ EXHIBIT A, Page 165].** During the course of their conversation, Witness Rueff described Subject Smith's demeanor as being uncomfortable. Witness Rueff further described Subject Smith actions during their conversation as looking to the sides the majority of time and rarely making eye contact with him **[Page 8, of Witness Rueff's transcribed interview].**

Following his conversation with Subject Smith, Witness Rueff went to the 7000 Floor, where he had a conversation with Witness Clinton Kelly. During his conversation with Witness Kelly, Witness Rueff asked him if he left a cellphone on the 9000 Floor. Witness Kelly told Witness Rueff, "I respect my job. I love being a deputy and I would never do anything like that. I can take you to my locker and show you where my cellphone is." Following Witness Kelly's statement, Witness Rueff and Witness Kelly started walking toward the locker room. It was at this time, Witness Rueff was convinced it was not Witness Kelly's cellphone and he told Witness Kelly they did not need to go down to Witness Kelly's locker **[EXHIBIT A, Page 166].** Following his contact with Witness Kelly, Witness Rueff believed the cellphone belonged to Subject Smith **[Page 12, of Witness Rueff's transcribed interview].**

After Witness Rueff's conversation with Witness Kelly, Witness Rueff walked the cellphone down to the Watch Commander's office and gave the phone to Witness Lieutenant Michael Thomas #[redacted] After briefing Witness Thomas regarding all the events that had taken place up until their meeting, Witness Thomas instructed Witness Rueff to leave the cellphone with him and he would take care of it. Following his

conversation with Witness Thomas, Witness Rueff did not conduct any further follow up investigation or speak with anyone else regarding this incident **[EXHIBIT A, Page 167].**

On November 4, 2014, Subject Smith never acknowledged to Witness Rueff the cellphone in question, was his. On November 4, 2014, Subject Smith never admitted to Witness Rueff the cellphone in question, was his. On November 4, 2014, Subject Smith never verbally told Witness Rueff the cellphone in question, was his **[Page 13-14, of Witness Rueff's transcribed interview].**

Prior to Witness Thomas receiving the cellphone from Witness Rueff, Witness Thomas received a phone call from Subject Smith. During the conversation, Subject Smith started to apologize to Witness Thomas for bringing a cellphone into the facility. During their conversation, Subject Smith acknowledged he knew bringing a cellphone in was against policy **[EXHIBIT A, Page 147].** Subject Smith went on to explain how he forgot he had the phone. Witness Thomas told Subject Smith to calm down and explained to him that despite being out of policy, it sounded like it was an accident. Witness Thomas then told Subject Smith as soon as he can get a relief, to take his cellphone back to his locker **[EXHIBIT A, Page 147].** Subject Smith's phone call to Witness Thomas, was the first information Witness Thomas received on the night of the incident **[Page 8, of Witness Thomas' transcribed interview].**

During their phone conversation, Subject Smith told Witness Thomas the following: He had been having some personal problems at home and that is what caused him to not think clearly and he accidentally brought the cellphone into the jail. Since the phone was already in, he began to charge it. When he was charging the phone, he had to set it up in a certain manner, due to his phone having a "short" in it. If the phone "shorts" while it is charging, the screen turns "On." While the phone was charging, deputies took the phone from him. When the deputies took the phone from him, he panicked and told them it was somebody else's phone **[EXHIBIT A, Page 148].**

None of the facts Subject Smith was telling Witness Thomas, made sense to Witness Thomas. Witness Thomas asked Subject Smith to explain what had taken place a second time. This time, Subject Smith explained how a deputy saw his phone and thought he was video recording them. Subject Smith told Witness Thomas he was not video recording them **[EXHIBIT A, Page 148].** After the deputies saw his cellphone, he took the battery out of it. After he took the battery out, Witness Garcia came into his booth and took the phone from him, since he told her the phone was someone else's and did not identify the phone as being his **[EXHIBIT A, Page 148].**

Due to the fact the information Subject Smith gave him, still did not make sense, Witness Thomas asked Subject Smith why he would panic and allow someone to take his phone. Witness Thomas also asked Subject Smith why he would say the phone belonged to someone else and why he would take the battery out. Subject Smith told Witness Thomas he did not know why he took the battery out of the phone, since the

phone was password protected **[EXHIBIT A, Page 148].** Based on the fact Witness Thomas did not feel like he was getting a story that made any sense, he told Subject Smith he would get back to him **[EXHIBIT A, Page 148].** During their phone conversation, Subject Smith never told Witness Thomas he had already been contacted by Witness Rueff regarding his cellphone, nor was Witness Thomas aware Witness Rueff already had possession of Subject Smith's cellphone **[Page 10-11 of Witness Thomas' transcribed interview].**

Within one minute after he hung up the phone with Subject Smith, Witness Rueff was inside Witness Thomas' office, holding a cellphone **[EXHIBIT A, Page 148].** Witness Rueff told Witness Thomas, "We have no idea whose phone this one was. The Security Check team on 9000 found it in a module." **[EXHIBIT A, Page 148].** Witness Rueff then explained to Witness Thomas what he knew and the actions he had taken, up until the point he had brought the cellphone into the Watch Commander's office, to show Witness Thomas.

After hearing what Witness Rueff told him, the information Subject Smith had told him, caused Witness Thomas to be more confused. Witness Thomas could not understand why Subject Smith was not identifying the cellphone as his, why deputies took it, and why the deputies and Witness Rueff could not figure out who the cellphone belonged to. During his conversation with Witness Rueff, Witness Thomas did not tell Witness Rueff about his telephone conversation with Subject Smith, nor did he discuss anything with Witness Rueff regarding the content of what Subject Smith had told him **[EXHIBIT A, Page 148].**

Following his conversation with Witness Rueff, Witness Thomas told Subject Smith to come down to the Watch Commander's office. Prior to Subject Smith coming down, the Day Shift Watch Commander, Lieutenant Anthony Baudino, arrived to begin his shift. Witness Thomas briefed Lieutenant Baudino regarding what was happening. Lieutenant Baudino was present in the Watch Commander's office, when Subject Smith arrived to talk to Witness Thomas.

When Subject Smith arrived to talk to Witness Thomas, Subject Smith began telling him all the same things he had previously told him, all over again. Again, what Subject Smith had told him, still was not making any sense. Witness Thomas asked Subject Smith where the battery for the cellphone was and Subject Smith told him it was up in the officer's booth. Witness Thomas also asked Subject Smith why he had the charger for the cellphone, if his bringing the cellphone into the facility was only an accident. Subject Smith told Witness Thomas he always brought a backpack into the facility and he always had a charging cable in his backpack. During their conversation, Subject Smith continued to insist his cellphone was not recording. Subject Smith again told Witness Smith, "I don't know why, but I just took the battery out so they couldn't look at the phone. But I didn't need to do that because its password protected. I don't know why I took the battery out." **[EXHIBIT A, Page 154].**

Witness Thomas told Subject Smith to go get the battery to his cellphone and bring it back to him (Thomas). Witness Thomas kept possession of Subject Smith's cellphone, while Subject Smith went to get the battery. When Subject Smith returned, he gave the battery and the phone charger to Witness Thomas. After putting the battery back in the phone, the phone powered "On." Subject Smith then plugged the charger into the phone and attempted to show Witness Thomas how the phone's display screen would turn on, when the phone was charging. While being plugged into the charger, Witness Thomas saw the display screen of the phone actually turned "Off." When this happened, Subject Smith told Witness Thomas, "Well, you see if I wiggle it, it—can turn back on." Witness Thomas then asked Subject Smith, "Well, would it wiggle just sitting on the counter by itself?" **[EXHIBIT A, Page 154].** Subject Smith did not have an answer for Witness Thomas.

Once Subject Smith's cellphone had been powered on, Witness Thomas pressed the camera icon on the display screen, to see how the video screen looked when it was engaged. While the phone was in the video record mode, Witness Thomas saw the display screen had a completely different image than when the phone was just charging by itself. Specifically, while in the video record mode, Witness Thomas saw a red dot in the upper right corner of the display screen, with "REC" written in red letters above it **[EXHIBIT A, Page 155].**

After Witness Thomas viewed the display screen of the phone while it was in video record mode, he realized what he had seen matched more of what the other Security Check team deputies had seen. It was at this time, Witness Thomas' concern became, what Subject Smith would have been recording. Some of the thoughts going through Witness Thomas' mind at the time were, was Subject Smith recording deputies? Was Subject Smith recording inmates? Was Subject Smith working for the Federal Bureau of Investigations? Was Subject Smith doing something for criminals? **[EXHIBIT A, Page 155].** It was also at this time, Witness Thomas knew this incident was not an accident and Subject Smith had to have been recording something **[EXHIBIT A, Page 155].**

After realizing a crime had possibly been committed and Subject Smith had lied to him, Witness Thomas called then Captain, now Commander Joseph Dempsey and advised him of what had taken place. Captain Dempsey responded to Men's Central Jail and made the decision the incident was going to be handled by our Internal Criminal Investigations Bureau **[Page 13, of Witness Thomas' transcribed interview/ EXHIBIT A, Page 158].** Witness Thomas talked to Witness Guerrero, Witness Ogunjumo, Witness Garcia, Witness Ruiz, and Witness Martinez regarding their observations and involvement in this incident and had all of them write supplemental reports documenting their involvement, under Uniform Report Number 914-01404-5100-399. For further information regarding the first report and all supplemental reports written regarding this incident, please see **[EXHIBIT A, Pages 10-20].**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

SUBJECT SMITH INTERVIEW WITH ICIB

On November 4, 2014, Subject Smith was interviewed by Internal Criminal Investigations Bureau Sergeant [redacted] and Sergeant Dennis Clark. During his interview with Sergeant [redacted] and Sergeant Clark, Subject Smith told them the following: The recovered cellphone was his **[EXHIBIT A, Page 62]**. He accidentally brought his cellphone into the facility after talking with his father about his sick grandmother, while he was getting dressed in the locker room. While getting dressed, he put his cellphone in one of the back pockets of his pants and forgot about it. When he arrived at his work assignment, he sat down and realized he still had his phone with him. When he pulled his phone out of his back pocket, he realized his phone needed to be charged, so he started to charge it **[EXHIBIT A, Page 63]**. He was the only person assigned to the 9100/ 9200 control booth. He knew he should not have had his cellphone inside the facility, but since he was the only person assigned to the control booth, there was no way he could take his phone back downstairs **[EXHIBIT A, Page 64]**.

> **IAB Note:** The 9000 floor was assigned two deputies, as Prowlers. One of the responsibilities of a Prowler, is to relieve personnel who are assigned to stationary positions for meal breaks and for any other personal needs that may arise.

Subject Smith said he knew cellphones were not allowed in the facility, based on the sign posted as you enter the gate of the facility which reads, "No electronic devices." **[EXHIBIT A, Page 65]**. He had never mistakenly brought his cellphone into the facility, prior to the night of the incident **[EXHIBIT A, Page 66]**. He did not believe he had taken any photographs on the night of the incident **[EXHIBIT A, Page 66]**. He had never taken any photographs with his cellphone in the past, inside security **[EXHIBIT A, Page 67]**.

> **IAB Note:** The term "security," refers to the secured portion of Men's Central Jail.

Subject Smith never told Witness Garcia the recovered cellphone was his, after he previously told her it was Witness Kelly's phone **[EXHIBIT A, Page 75]**. At one point, Subject Smith said, "I probably should have just stood my ground and just faced the consequences then, instead of getting deeper and deeper and deeper." **[EXHIBIT A, Page 75]**. He never pointed his camera at any inmates, nor took videos or still photographs of inmates **[EXHIBIT A, Page 79].**

Subject Smith said he was not recording on the night of this incident **[EXHIBIT A, Page 84].** Shortly after he told Sergeant [redacted] and Sergeant Clark he had not recorded, he told them he had not recorded, at first. He then told Sergeant [redacted] and Clark

he recorded Witness Ruiz and Witness Sandoval because they were cute **[EXHIBIT A, Page 85]**. Subject Smith apologized to Sergeant [redacted] and Sergeant Clark, for lying **[EXHIBIT A, Page 86]**.

> **IAB Note:** During his first interview with ICIB, Subject Smith stated he recorded Ruiz and Sandoval." During Subject Smith's IAB interview, Subject Smith told this investigator, Sandoval was meant to be Garcia **[Page 57 of Subject Smith's transcribed interview]**.

Following Subject Smith's first interview with ICIB investigators, ICIB Sergeant [redacted] authored a search warrant requesting the forensic search of Subject Smith's cellphone, his Verizon cellphone service account [redacted], and his Micro-SD card. The search warrant was granted by the Honorable Judge John A. Torribio. For further information regarding the search warrant and search warrant service, please refer to **[EXHIBIT A, Pages 134-146]**.

Upon receiving the information obtained from the forensic exam of the evidence, ICIB Sergeant [redacted] reviewed it. While reviewing the examination, Sergeant [redacted] found video files depicting department personnel, and jail inmates, taken within security areas of Men's Central Jail in the year 2014 **[EXHIBIT A, Attachment A]**. Specifically, video was recovered, dated September 17, 2014. The video showed the inside of a dorm, which was populated by inmates. The focal point of the video was on two inmates. In the video, it appeared as though one inmate was "feeling up" on the other inmate. A picture of the inmates was taken from the video and will be attached to this Investigative Summary as **[EXHIBIT A, Page 224]**. Subject Smith was assigned to work Men's Central Jail on this day and was assigned to the 4600 Module **[EXHIBIT A, Page 225]**.

> **IAB Note:** The facility In-service is a printed copy of department personnel and their assigned positions for each shift of every day. The In-service only lists departmental positions necessary for the security of the facility, and does not list employees such as administrative personnel, medical staff, or facility maintenance workers.

Video was recovered, dated October 2, 2014. The video showed Subject Smith, inside the 4800 Module booth. There was also a video, which appeared to be taken through a window, of a female deputy who was wearing a green jacket and blue latex gloves. A picture of Subject Smith and the female deputy was taken from the videos and will be attached to this Investigative Summary as **[EXHIBIT A, Page 239, 240]**. Subject Smith was assigned to work Men's Central Jail on this day and was assigned to the 4800 Module **[EXHIBIT A, Page 225]**.

Video was recovered, dated October 5, 2014. The video showed Subject Smith, inside the 4500 Module booth. Two pictures of Subject Smith were taken from the videos and will be attached to this Investigative Summary as **[EXHIBIT A, Page 255, 256].** Subject Smith was assigned to work Men's Central Jail on this day and was assigned to the 4500 Module **[EXHIBIT A, Page 257].**

Video was recovered, dated October 14, 2014. The video showed Deputies walking through a module and a female deputy leaned up toward the module booth window. There was also video of three Sheriff's Department personnel inside an open area of a module, where there are also three partially dressed inmates present. Two pictures were taken from the videos and will be attached to this Investigative Summary as **[EXHIBIT A, Page 271, 272].** Subject Smith was assigned to work Men's Central Jail on this day and was assigned to the 9500 Dorm **[EXHIBIT A, Page 274].**

Video was recovered, dated November 4, 2014. Several segments of video showed Witness Damien Guerrero, Witness Oluwasanmi Ogunjumo, Witness Brenda Garcia, Witness Julie Ruiz, and Witness Ricardo Martinez walking through a dorm, conducting count in the 9100/ 9200 dorms. The different segments of video show the deputies conducting their security checks/ inmate count. Several pictures were taken from the videos and will be attached to this Investigative Summary as **[EXHIBIT A, Page 287, 302].** Subject Smith was assigned to work Men's Central Jail on this day and was assigned as the 9100/ 9200 Dorm officer **[EXHIBIT A, Page 305].**

After receiving the above videos and information, ICIB Sergeant [redacted] and Sergeant Clark conducted a second interview of Subject Smith. During this interview, Deputy Smith admitted to knowingly bringing his cellphone into the secured area of the jail facilities he was assigned to work, on numerous occasions **[EXHIBIT A, Page 320, 321].** Deputy Smith further admitted he recorded inmates and Department members while inside the security areas of these jail facilities on several of these occasions **[EXHIBIT A, Page 320, 321].**

Following Sergeant [redacted] and Sergeant Clark's second interview with Subject Smith, they filed their case with the Justice System Integrity Division of the District Attorney's office. On March 11, 2015, the facts of the case were reviewed by Assistant Head District Attorney Shannon S. Presby. The District Attorney's office declined to file the charges through their office, but instead, referred the case to the Los Angeles City Attorney's office for filing consideration.

On March 16, 2015, the Los Angeles City Attorney's office reviewed the facts of the case and determined it would be accepted for their filing review. On April 17, 2015, Los Angeles City Deputy City Attorney Mark Salz, of the Criminal Division, filed six misdemeanor counts of violating 4575(a) P.C. against Subject Smith (Los Angeles County court case number 5CA09462) **[EXHIBIT A, Page 9S].**

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

On May 4, 2016, Subject Smith pled nolo contendere to count one of the filed complaint, a misdemeanor violation of Penal Code 4575(a), under Los Angeles County Court case number 5CA09462 **[EXHIBIT A, Page 9X- 9EE]**. The remaining five counts of the filed complaint were dismissed in furtherance of justice per 1385 P.C. Subject Smith was sentenced to a period of twenty four months of Summary Probation, perform twenty days of community labor, pay restitution fees, and to obey all laws and orders of the court.

IAB Note: "Nolo contendere" is a plea by which a defendant in a criminal prosecution accepts conviction as though a guilty plea had been entered but does not admit guilt.

INVESTIGATION:

Internal Affairs Bureau investigators interviewed the following Department personnel: Witness Damien Guerrero, Witness Oluwasanmi Ogunjumo, Witness Brenda Garcia, Witness Julie Ruiz, and Witness Ricardo Martinez, Witness John Rueff, Witness Michael Thomas and Subject Kareem Smith. The interviews were digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim interview transcriptions.

During their interviews with Internal Affairs Bureau investigators, Witness Damien Guerrero, Witness Oluwasanmi Ogunjumo, Witness Brenda Garcia, Witness Julie Ruiz, and Witness Ricardo Martinez stated they did not know why Subject Smith would have recorded them, nor did they know why Subject Smith would have recorded any of their partners. During their interviews, all of the above named Department personnel were shown still photos, which were extracted from the video footage taken by Subject Smith on the night of the incident. All of them identified both themselves and their partners, in the pictures. None of them had given Subject Smith any form of written consent, or verbal consent he (Smith) could record them. During their interviews, all of the above named personnel stated they were concerned with Subject Smith's actions.

Witness Clinton Kelly, Witness John Rueff, and Witness Michael Thomas' interviews with Internal Affairs Bureau Investigators were consistent with the information given in their interviews with Internal Criminal Investigations Bureau investigators. Please see their transcribed interviews for further information.

During his interview with Internal Affairs Bureau investigators, Subject Smith stated he was aware of and familiar with Manual of Policy and Procedures section 3-01/090.05, which states wireless communication devices are prohibited inside secured custody facilities **[Page 13 of Subject Smith's transcribed interview]**. Subject Smith was also aware of and familiar with Penal Code section 4575(a), prior to November 4, 2014, and also had knowledge it was classified as a Misdemeanor crime **[Page 14 of Subject Smith's transcribed interview]**. On the night of the incident, while his cellphone was

positioned in the window sill of the 9100/ 9200 control booth, Subject Smith physically recorded the Security Check team while they walked down the hallway **[Page 19 of Subject Smith's transcribed interview].** Subject Smith lied to Witness Garcia regarding who the phone belonged to **[Page 27 of Subject Smith's transcribed interview].** Subject Smith asked Witness Kelly to lie for him **[Page 30-31 of Subject Smith's transcribed interview].** Subject Smith remembered a sergeant coming to the booth he was assigned to, but could not remember anything regarding their interaction or conversation **[Page 31- 43 of Subject Smith's transcribed interview].** Subject Smith was not truthful, during Witness Thomas' inquiry, the night of the incident **[Page 55 of Subject Smith's transcribed interview].** Subject Smith lied to ICIB investigators during their interview of him the night of the incident **[Page 55- 56 of Subject Smith's transcribed interview].** Witness Damien Guerrero, Witness Oluwasanmi Ogunjumo, Witness Brenda Garcia, Witness Julie Ruiz, and Witness Ricardo Martinez never gave Subject Smith verbal or written permission he could record them **[Page 63- 64 of Subject Smith's transcribed interview].**